

**REMARKS**

**Pending Claims**

Claims 16-25 are pending in this application. Claims 16 and 22 have been amended.  
No new matter has been added.

**Interview**

Applicants extend their appreciation to the Examiner for granting an office interview on November 4, 2009. In the interview, it was indicated that the claims should be amended to avoid phrases beginning with "for" and to clarify that the control unit which portions of the automatic analyzer that the control unit controls. In particular, Applicants have amended the independent claims in light of the Interview.

**Claim Rejections under 35 U.S.C. §§102 & 103**

Claims 16-18 and 21-25 are rejected under 35 U.S.C. §102(b) as being anticipated by Mimura, JP 10-097754. Claims 19-20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Mimura '754, in view of Hanaway, U.S. Patent No. 4,719,087. Applicants request reconsideration of the rejections in view of the foregoing amendments and for the following reasons.

Claims 16 and 22 have been amended to overcome the anticipation rejection set forth in the Office Action which relies upon Mimura. Applicants have added further structure to claims

16 and 22 in order to patentably define the claimed invention over Mimura. Specifically, claims 16 and 22 now positively recite a rack supply section. Moreover, the claims have been also been amended to further define the claimed rack recovery line and the reading device. Support for the amendments is provided by Figs. 1 and 2 which show the rack supply section 3 and the reading device 17. *See* Specification at p. 7, lines 14-22.

Claims 16 and 22 have been amended to positively recite a rack supply section for supplying common racks holding patient specimens to be sampled for analysis by the analysis unit, and specific racks holding specific liquids to be repeatedly sampled as needed for analysis of the patient specimens. As such, the rack feed line is amended to set forth that the rack feed line is connected to the rack supply section and also that common racks and specific racks are transferred from the rack supply section. The rack standby disk of claims 16 and 22 is now recited to be connected to the rack feed line. Further, claims 16 and 22 also set forth a rack recovery line for receiving the common racks from the standby disk and transferring the racks towards a rack recovery section after treatment. Yet further, the reading device has been amended to set forth that it is provided for reading discriminating information of the common and the specific racks prior to the rack standby disk receiving the common and specific racks from the rack feed line, and that it is disposed proximate to the rack feed line.

Claims 16 and 22 have been further amended to include a control unit connected to the rack supply section, the rack feed line, the rack standby disk and the rack recovery line controlling transfer of the common racks and the specific racks from the rack supply section to the rack standby disk, controlling rotating and stopping of the rack standby disk in a state such

that the plurality of common and specific racks are made to stand by thereon in a mixed state, and controlling transferring of the racks on the rack standby disk towards a rack recovery section after treatment. As amended, claims 16-25 are patentable over the Mimura and Hanaway references, whether taken separately or in combination.

Mimura discloses an analyzer having a rack sender 17 for supplying common racks and a rack inlet 75 for supplying specific sample racks. Mimura discloses that the rack inlet 75 inputs the specific racks to the standby unit 70 where they are held to be used repeatedly, whereas the common racks are supplied directly to the main transfer line without being moved to the rack standby disk. *See* col. 4, lines 35-67. Mimura further discloses that the common racks are held in temporary storage 22 if re-examination of the common racks is necessary; otherwise, the main transfer line moves the common racks to the rack collector 18 once the common rack has been analyzed. *See* col. 4, lines 38-48. Moreover, Mimura discloses an ID unit 71 included in the rack standby disk for reading the specific racks 74, 77 on the rack standby unit 70 and also an ID reader for reading information of a rack before it is transferred to the main transfer line 20. *See* col. 4, lines 49-51 and col. 6, lines 27-30.

In contrast, according to claim 16, the rack supply section supplies both common racks and specific racks, and the rack feed line transfers both common racks and specific racks from the rack supply section. Further, the rack standby disk receives the common and specific racks from the rack feed line in such a manner that the racks standby in a mixed state. In particular, the rack feed line is connected to the rack supply section, and the rack standby disk is connected to the rack feed line. On the other hand the arrangement in Mimura has a rack inlet

75 connected to a rack standby unit 70, and the rack standby unit is subsequently connected to a main transfer line 20. *See* Fig. 1 of Mimura. As such, the amendments to claims 16 and 22 include structural features which are not shown or suggested by Mimura.

The Hanaway reference is relied upon in the Office Action for teaching a specimen tray assembly for use in an automatic analyzer. Yet, Hanaway does not overcome the deficiencies in Mimura with respect to disclosing or suggesting the claimed combination as set forth in the amended claims. Accordingly, Applicants respectfully assert that claims 16-25 are patentable over Mimura, Hanaway and the remaining art of record, and that the rejections under 35 U.S.C. §102 and §103 should be withdrawn.

## **Conclusion**

In view of the foregoing amendments and remarks, reconsideration and reexamination are requested.

Respectfully submitted,

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